

**Board of Agriculture Meeting
December 5, 6, & 7, 2005
Las Vegas, Nevada**

**Monday, December 5, 2007
Mirage Hotel – Horticulture Complex Library
Las Vegas, Nevada**

Board Members Present:

Benny Romero
Deloyd Satterthwaite
Susan Ray
George Botta
David Cassinelli
Alan Perazzo
Susan Ray
Marta Agee

Board Members Absent:

Dan Hetrick
Jim Johnson
Lawrence Waugh

Benny Romero, Chairman, called the meeting to order at 2:00 pm.

1. Board Business

D. Board subcommittee meeting to review existing short-term objectives and to develop recommendations of any needed revisions or updates.

Director Henderson presented proposed changes/additions/deletions to the current short-term objectives for consideration by the Board subcommittee. Don explained that he viewed short-term objectives as items that the Board would like to see accomplished over the coming year. He also stated that short-term objectives could be used, in part, for the Director's evaluation.

He further stated that some of the objectives are on-going and could span more than one year. In that instance, the short-term objective could be converted to a long-term goal. He said of the 13 short-term objectives, number 3 is now considered complete. Three new objectives were added for the Board's review. Changes/additions/deletions are indicated in red print on the handout.

The Director said the intent of this subcommittee is to come to an agreement regarding the objectives so the objectives can be presented to the Board to act upon at Wednesday's Board meeting.

The following are the changes/additions/deletions of short-term objectives suggested by the Director:

Changes to Objective 1:

Increase ~~safeguarding and~~ educational efforts to protect the general public and agriculturally related industries from bio-terrorism. Ensure key staff is well trained and versed in Incident Command System (ICS) and State Emergency Operation Center (EOC) procedures and the Department is ready to respond effectively in instances of natural disaster or bio-terrorism events affecting Nevada agriculture.

Deloyd Satterthwaite asked the Director if Objective 1 should be a Department long-term goal instead of a short-term objective as training is on-going and would never be considered complete. Don Henderson replied that was correct and added that the long-term goals have not been reviewed since March, 2003 and there may be other short-term objectives that the Board could move to a Department long-term goal.

Changes to Objective 2:

~~Increase penalties for reoccurring infractions of state laws and regulations.~~
Conduct a comprehensive review of current Department penalty and violation requirements and update as necessary to build consistency across the agency and to reduce reoccurring infractions of agency statutes and regulations.

Changes to Objective 2 3:

Provide a leadership role in developing cooperative agricultural and horticultural programs among the UNR College of Agriculture, Biotechnology and Natural Resources, the UNR ~~College of Cooperative Extension~~, and the Department.
The Department should serve in the capacity as an information conduit between industry and the land grant institution.

Objective 3

~~Division of Administration will provide training for all Department Administrators and Regional Managers about the Integrated Financial System (IFS).~~ **Complete**

Objective 4:

Take a leadership role in serving as liaison between Nevada Department of Wildlife and federal agencies to ensure the best available science is used in decisions relating to wildlife management and conservation.

The Director said this is another short-term objective that could be made into a Department long-term goal. This objective is one that will be ongoing.

Objective 5:

Work with ~~the~~ Department Administrators and Regional Managers to review and revise the administrative manual. Ensure that all board policies, along with current state fiscal and personnel policies are addressed and considered in this update.

Objective 6:

Recognize employees and agricultural producers for excellence in their fields of expertise. Where possible, recognize these individuals before the Board of Agriculture. Develop and implement uniform nomination procedures and form for the Employee Recognition Award.

Objective 7:

~~Increase~~ Continue to assist ~~assistance to individual~~ producers and related industries with issues affecting production agriculture.

Objective 8:

Over the coming year, define the scope and goals for the agricultural enforcement program and seek funding to fully implement this program.

Objective 9:

Take a leadership role in establishing an interagency and industry committee to revise and update ~~as appropriate,~~ the Nevada Rangeland Monitoring Handbook.

Objective 10:

Coordinate and implement ~~required~~ state training for Board members (~~i. e., sexual harassment training, education on Open Meeting Law, etc.~~) on relevant topics such as prevention of harassment and discrimination (required training), commission and board meetings, and Nevada's open meeting laws. To the extent possible, incorporate this training into regularly scheduled Board meetings.

Objective 11:

Develop funding sources and hire the following high priority Department positions: Information Technology Specialist and Public Information Officer.

Objective 12:

Work with the Board to develop natural resource policies and positions in priority areas to help guide Department staff and activities.

Objective 13:

~~Take a leadership role as information/resource conduit for ornamental horticulture industry.~~ **Duplication of Objective 3**

The following three objectives are new additions:

Objective 13:

Initiate industry and public scoping for updating and revising the 1999 Department Strategic Plan.

Objective 14:

~~Critically~~ Evaluate and implement feasible procedures to streamline the agency cooperative agreement process for the purpose of expediting the acquisition and expenditure of Federal grant funding.

Objective 15:

Research and determine the feasibility of establishing a Department credit card program that streamlines procurement by employees while maintaining sound administrative procedures.

The Director was thanked by Chairman Romero for his presentation. Don Henderson advised the Board that he felt the objectives are very important and plans to use the short-term objectives as an outcome-based evaluation for administrators. He said that each year after the Board has reviewed and finalized the short-term objectives, he will send each administrator the new objectives to review. He will require each administrator to commit in some part to the planned objectives and be responsible for delivery. The Director will meet with the Administrators and come to an agreement on what each administrator's role will be.

Chairman Romero asked the Board members if they wanted any further discussion on Objective 1. It was decided to leave the objective as a short-term objective and to strike the words "well" (trained) "and versed" (in) from the objective. The Board agreed that some of the short-term objectives could evolve into long-term goals at some point in time.

Dave Cassinelli made a motion to accept these objectives, as amended, for presentation and consideration by the Board of Agriculture.

Marta Agee seconded the motion. Question was called. Motion carried.

The Board thanked Director Henderson for his excellent, in-depth presentation on the short-term objectives. They will be introduced in Wednesday's general meeting for action.

George Botta made a motion to adjourn. Susan Ray seconded the motion. Motion carried.

**Tuesday, December 6, 2007
Community Counseling Center
1120 Almond Tree Lane, Suite 207
Las Vegas, Nevada**

Board Members Present:

Benny Romero
Deloyd Satterthwaite
Susan Ray
George Botta
David Cassinelli
Alan Perazzo
Susan Ray
Dan Hetrick
Lawrence Waugh
Harvey Barnes

Board Members Absent:

Jim Johnson

Benny Romero, Chairman, called the meeting to order at 9:00 am.

1. BOARD BUSINESS

A. Approval of minutes

The minutes of the September 30, 2005 meeting were presented for approval.¹

Harvey Barnes made a motion to accept the minutes as written. Susan Ray seconded the motion. Motion carried.

Introduction of Board Members, Guests, and Department Employees.

Each Board member introduced themselves. Guests included Hank Combs, Nevada Farm Bureau, Las Vegas Office.

C. Special Reports

1. Board training on State requirements relating to harassment and discrimination conducted by Gina Session, Senior Deputy Attorney General. (Information)

Each Board member was presented with a State training booklet that covered the material Gina was going to talk about and gave each Board member a pre-assessment test to complete prior to beginning the actual training.

¹ Add Susan Ray as being in attendance.

Gina explained the training is geared toward management and will help Board members better understand the issues and the legal definition of sexual harassment and its impact on the workplace. The purpose of the training is to encourage employees to have a better understanding of sexual harassment to ensure a safe work environment where everyone respects each other and works well together. Gina said everyone needs to understand the seriousness of sexual harassment; it leads to losses and liabilities for the agency and those are the things to avoid. She said you want to ensure that anyone that has a complaint has a place to go with their complaint and that they will be taken seriously and the allegations will be dealt with promptly and fully.

A training film was also viewed by the Board members. A question and answer session was conducted by Gina with Board members. Each Board member present signed a certification of training.

2. Overview and review of environmental programs administered by the Nevada Department of Agriculture. Presentation provided by Charles Moses, Environmental Scientist IV.

Chuck was asked by the Board at the last meeting to give a presentation on the Environmental Compliance Branch which Chuck oversees for the Department. Chuck prepared a power point presentation that explained the programs that he oversees.

Pesticide Inspections

The Department has had the pesticide program since 1975. This is the result of an agreement that the Department of Agriculture entered into with the USEPA to enforce federal regulations. Although the Department already had its own pesticide rules and regulations in place, the agreement complemented the Department's program. The Department received the first EPA grant in 1975. The EPA passes money on to the agency, and in return the Department does pesticide enforcement work and fulfills federal requirements.

FIFRA

The Federal Insecticide, and Rodenticide Act (FIFRA) is the federal law that deals with pesticides. This authorizes states to conduct certain inspections and certify individuals who use or who supervise the use of restricted use pesticides. One of the benefits of this program is that it gives states the authority to enforce federal law.

Chuck explained areas where pesticide enforcement inspections take place; agricultural and non-agricultural use; market establishments; pesticide producing establishments;

pesticide reports for dealers and applicators. Market place inspections are important to ensure products are registered and to ensure authenticity of a product.

The Nevada Department of Agriculture (NDOA) conducts pesticide record inspections. Dealers who sell restricted use pesticides must keep records and be registered as a dealership in the state. Pesticide applicators, both agricultural and non-agricultural, who use restricted use pesticides have to keep records for two years. Every dealer that sells restricted use pesticides in Nevada is registered. This applies to in-state or out-of-state businesses. They send the Department a monthly record of their restricted use pesticide sales.

Chuck said the Department tries to make inspections as non-invasive as possible. The Department, for example, goes to go to the dealer at time that is less busy for him and by appointment.

Groundwater Protection

This program is a water sampling program designed to monitor and protect groundwater from pesticide contamination, and is one of the most valuable of our programs. Our goal is to check contamination early so that regulatory tools and education can be used to prevent further degradation of the groundwater. He said that in many areas of our state, groundwater is the major source for irrigation and drinking water.

Endangered Species Protection

This program is designed to protect endangered species from the adverse effects of pesticide use. Chuck said there is not much work in this area as there are not that many endangered species that exist in Nevada that might be impacted by the use of pesticides.

The program makes recommendations to pesticide users through informational bulletins concerning pesticide selection and establishment of non-use buffer zones that protect endangered species. It is based on federal requirements; this program has now become mandatory.

Farm Worker Protection

Chuck said this is a worker safety program for farm, forest, nursery and greenhouse employers. There is mandatory training for pesticide handlers and workers. You have to educate not only the person who applies the pesticide, but the field worker as well.

The Department has a consultation and training program to assist employers. We will provide videos for training and safety posters (which is a requirement) that list emergency numbers.

Pesticide Certification

This program enables applicators to purchase and apply restricted use pesticides. The program does outreach, education, and training. It is conducted with the Cooperative Extension Service. The training is a two-day course with a half day for testing. It is the Department's responsibility to ensure that pesticide applicators are competent.

USDA Pesticide Recordkeeping

The 1990 Farm Bill directed USDA to develop a program that would require private applicators to keep records by both commercial and private applicators. The law requires that restricted use pesticides records be kept for two years. This was already a state requirement and NDOA was already performing inspections.

H. Request to disburse monies pursuant to NRS 562.170 and NRS 567.110 to Woolgrower's Association and Predatory Animal and Rodent Control. (Satterthwaite) (Action)

Board member Deloyd Satterthwaite distributed a request by the Nevada Woolgrowers Association to the Department requesting the transfer of funds collected in conjunction with the head tax assessment placed on sheep. The request is to transfer funds to the Nevada Woolgrower's Association and the Predatory Animal and Rodent Control (PARC). An attached spreadsheet listed sheep owners and monies collected from them.

Deloyd explained the methodology of the sheep tax. Fees are collected by Jim Connelley, Elko office. It is a voluntary program wherein sheepgrowers are assessed 30 cents per head. From the 30 cents collected, 10 cents go to the Nevada Woolgrowers Association and 20 cents go to PARC. Fees can be prorated according to the number of months the sheep are actually in the state.

Deloyd Satterthwaite made a motion to disburse \$5,975.20 to the Nevada Woolgrowers Association and \$11,950.70 to Predatory Animal and Rodent Control

Marta Agee seconded the motion. Question called. Motion carried.

Susan Ray asked how long does it take for the Woolgrower's and PARC to actually get the funds. Rick Gimlin said about 30 days and no longer than 60 days. He explained that the funds are collected by the Elko office and then distributed to Elko County. The Department then requests the funds back from Elko County to pull into two different accounts; the Woolgrower's account and the PARC account. Rick said the process was designed to shield the money from state administrative charges many years ago.

G. Discussion and policy development regarding NRS 562.170; deposit of tax in State Sheep Inspection Account, and NRS 567.110; levy of annual special tax; maximum rate; designation as tax for control of predatory animals; notice to State Department of Agriculture. (Gimlin) (Information)

The information Rick was prepared to give regarding head tax on sheep was already discussed in the previous discussions. He said the Department will take what just approved and applied accordingly.

Rick said he was going to review statutes regarding the collection and distribution to see if there could be an easier way to distribute these funds.

2. DIRECTOR'S REPORT

A. Summary and overview of Department activities. (Information)

Status report on updating Department's Administrative Policy Manual.

The Director said the Board has a goal for the Department to update its Administrative Policy Manual. Don Henderson said the Department had a Legislative Council Bureau (LCB) audit and anticipated a finding relating to updating the Department's administrative manual. Under Tab 2A in the Board packet are two updates that have been completed; Fiscal: Expenses, Board of Agriculture Host Fund and Personnel: Supervisor Counsel and Guidance Policy.

Don said another policy that is nearing completion addressing how unclassified employees or administrators are evaluated within the Department.

New directions for Department activity report.

Don said the previous director, Paul Iverson, started the monthly report and was distributed to Board members and a mailing list of approximately 300 people. We have had some problems completing this task because we do not have staff dedicated to the project. Don said that when he became Director he had instructed his administrators to submit their monthly activities for the monthly report.

Ed Foster, Northern Regional Manager for the Plant Industry Division, has public affairs experience and has taken the lead on this project. Ed suggested the report move toward a quarterly report rather than a monthly report. Don distributed the quarterly report in its new format. Don asked the Board to comment on the format and make suggestions. The consensus was that it was a good report, members enjoyed reading it, a quarterly report was fine and wanted to continue. Lawrence Waugh suggested the quarterly report be included in the Board packet.

Meeting was adjourned by Chairman Romero at 12:00 noon for lunch break.

Meeting called to order at 1:15 p.m. by Chairman Benny Romero.

Recognition of Paul Frigo – Employee of the Quarter

Don Henderson said at the last Board meeting (September 30, 2005), it was announced that Paul Frigo had been selected Employee of the Quarter. Don said the Department had a plaque made up for Paul and now that the Board is in Las Vegas for meetings, this would be a good time to present the plaque to Paul. Paul came forward and accepted the plaque and expressed his thanks.

DIRECTOR'S REPORT CON'D:

The director said he wanted to advise the Board on some of the things Gary McCuin is involved in on the natural resources side. There was an annual meeting on the central Nevada elk plan that Gary attended. One of the issues was the expansion of the elk herd in central Nevada. They are going to look at the situation and plan a course of action.

Gary did not attend the meeting today as he is a co-sponsor of a range management school that is presently taking place. Approximately 50 people signed up including ranchers and agency people.

Gary is developing comments for the Department on the Ely BLM Resource Management Plan.

Don said the Department is still working with permittees on the Martin Basin Project. We submitted comments to the Final Environmental Impact Statement (FEIS) along with several permittees. The Department is waiting for the Fish and Wildlife Service to issue their biological opinion on the plan. Based upon that, the Forest Service will take all the submitted comments and the biological opinion, and issue a record of decision.

Gary has made an initial contact with Bob Williams, State Director of Fish and Wildlife Service, to talk about safe harbor agreements for land owners and ranchers that enter into a conservation agreement. The issue is what levels of protection and assurance do landowners have when they enter into agreements to conserve and protect rare species. Gary will organize a meeting to begin discussions.

The Director brought the Board's attention to the progress report, included in the packet, on short-term objectives. The subcommittee talked about the progress report and accomplishments and based their recommendations for updated short-term objectives on this progress/accomplishment report. Don advised the Board members that the only objective that is complete is number 3.

3. DIVISION OF ADMINISTRATION (Gimlin)

A. Update on the Legislative Council Bureau (LCB) audit.

Rick Gimlin reported that the Department is still waiting for the LCB audit. Rick recently talked with a field auditor and was advised that a draft should be out in sometime in January. After the draft comes out, the Department has 10 days to provide any

additional comments and will meet with LCB in Carson City. Rick said the comments may or may not be integrated into the draft. We should expect them to make their presentation to the audit subcommittee in February. After that meeting, the Department has 6 months to implement an action plan.

B. Update on sexual harassment/discrimination prevention training.

The Department, including the Board's training, is about 57% complete. The large majority of our imminent and seasonal folks are outstanding and should be completed within the next couple of weeks. We have classes scheduled for the few permanent staff who have not been in training. Rick said he didn't see any problem meeting the Department's December deadline of having the Department 100% trained.

C. Update on the Nevada Employee Action and Timekeeping System (NEATS) rollout.

Rick said the Department is going to be able to use reports from the NEATS system to track training. He talked with the Department of Personnel to see how we could meet the needs of the Department without economic lows or putting the Board members out as Board members have schedules outside of these Board meetings. We will draft a policy for that within the next couple of months.

Rick report that Jim Connelley's division was the last division to roll-out on NEATS. At this time, all of our divisions are using the NEATS system. Mark Jensen's crew cannot input into NEATS as they cannot access the State's system to input their data. So our office inputs the data for them.

Don Henderson asked Rick about recording and documenting training for employees. Don said training that is offered by the State is automatically recorded in NEATS, but what about other training that employees receive from other sources outside the State system. Rick advised Don and the Board that the Department can enter other training for each employee into the NEATS system and it will become a part of the employee's transcript. This affords the supervisor to see what training each of his/her employees has completed and what further areas of training is needed.

5. DIVISION OF RESOURCE PROTECTION (Jensen)

Mark Jensen updated the Board members on the program budget. He said there have been some changes in the language in the Agriculture Appropriation Bill that passed through Congress and was signed by the President. Mark said although there were language changes, all the money that comes through APHIS to Nevada is still there. The program budget will come to Mark sometime in January.

Also, in the Agriculture Appropriation Bill, the American Sheep Industry (ASI) was able to get an additional \$700,000 for predator management in the Western states. The \$700,000 is split over 15 Western states. Nevada won't get a lot of money, but ASI plans to build on the language in the Agriculture Appropriation Bill in the future.

6. DIVISION OF MEASUREMENT STANDARDS (Grabski)

A. Memo from Alan Rodgers, Emission Technician II, Department of Motor Vehicles (DMV) to Steve Grabski.

This is a letter of appreciation for the Weights and Measures supervisor in the Las Vegas office, David Welch. He has been assisting the DMV's Emission Control people and in the process building a good relationship with them.

B. Quarterly activity report.

Measurement Standards Licensing and Payment Program

Steve reported that the Department is in proposal evaluation phase at present. There are three proposals we are looking at and will select a vendor by mid-January.

Capital Improvement Projects (CIP)

Steve advised the Board, that we lost our original project manager, Mark Davis and was replaced by Mark Fraga as the new project manager. Our projects are starting to move forward. As far as the Agriculture Headquarters building, there will be a meeting tomorrow with the lab consultant. In January, there will be a meeting to do detail work and get construction documents moving along.

Desert Research Institute (DRI) Agreement

The Department has a proposal from DRI (Item 6.C). Steve said we have negotiated and split costs and are working on the structural agreement. Steve said they have a good cooperative working group report and anticipates the report from DRI will be a good report. Don Henderson commented that we have broad-based support for this project including Nevada Petroleum and Convenience Stores Marketers Association, Western State Petroleum Association, Alliance of Automobile Manufacturers, Clark County's Air Quality Division.

Don asked Board members to look at the DRI proposal on Page 75 of the Board packet. He told Board members this study will be carried out and the results of this study will be reported to the Board. Don advised members they will have to make the decision whether or not they want to modify the existing regulation. Don said he wants to make

sure everyone is comfortable with the results of the study and that the Board members have enough information to make a decision.

The study will have an introduction that will go into the background of the issues and then go into the technical aspects of gasoline fuel specifications for southern Nevada prior to the most recent amendment, a comparison with other adjoining states, and then explain petroleum specifications in Clark County. It will include definitions of measures of volatility, American Society for Testing and Materials (ASTM) standards and a discussion of items brought up on RVP (Reid vapor pressure) and $T_{v/l} = 20$. They will discuss how ASTM standards are developed, what they are based upon, and the climatic information that was used in the ASTM standards.

Don said the study will contain a summary and conclusions relative to these factors, but will not have recommendations.

Equipment Purchases

Steve continued with his presentation with information about Weights and Measures. Inspections are going along well, but we are waiting for the Measurement Standards Licensing and Payment Program to be able to track results of the changes there were made.

Steve said he expects delivery in January of the livestock truck, the pick-up trucks, the propane prover, and the heavy weight truck and trailer.

7. DIVISION OF LIVESTOCK IDENTIFICATION (Connelley)

A. Program update

Progress Report on New Building

Jim Connelley said the Department lobbied long and hard and very successfully for the purchase of an existing building in Elko and a remodel of a large portion of that building which was an empty warehouse into the animal disease laboratory. Our project, the remodel and construction of the lab part, has been divided into two phases. The first phase is the office part which basically needs paint and patch and a sprinkler system. The building was purchased in July, but no work has been done to date. A new project manager had to be brought in and brought current on the situation. We have now hired an at-risk manager.

Phase I, the office portion, is scheduled to start construction March 6, 2006 with a completion date set for May 5. The plans for this phase are due in the office by December 12. The plans will be reviewed by the Fire Marshal and then go to the State Public Works Board. Delays are expected from the State Public Works Board and Fire Marshal's office because of staffing shortages.

Bids go out January 9, 2006 and opened February 6, 2006. The successful contractor has 30 days to come on the job, which has a March 6th starting date.

Enforcement Statistics

Jim presented the latest statistics on Livestock ID and AG Enforcement. Jim said he reviewed enforcement statistics from 2002 through 2005 and the non-compliance rate decreased from 17.0% to 12.2% in 2005 which indicates the Enforcement Unit has made a difference. Non-compliance is going down and compliance is going up. In that same period of time, Jim said we have recovered 6 stolen vehicles, stopped persons with outstanding warrants and illegal aliens driving agriculture trucks. One or two cases of narcotics were found in vehicles hauling agricultural products.

Recent Industry Meetings

Jim said last October, he called a meeting of the Brands Advisory Board because his 2007 budget projections did not look good. He explained that the Department has a four-year brand re-recording cycle and we count on the revenue we receive every four years to get us through the interim. We draw on that reserve for the next three and half years until the re-recording occurs again in four years. With the increases in salaries and wages, increasing fuel prices, cost for the Nevada Highway Patrol (NHP) dispatch services, and the Nevada Department of Transportation (NDOT) radio costs, Jim said the program reserve will be at a break-even point at the upcoming brand re-recording cycle, and losing money by the next re-recording period.

He said it takes 6 months in a non-legislative year to get a Nevada Administrative Code (NAC) changed. We have to go before the Board to get permission to go to workshop and hearing and work with LCB on the wording. We hold the workshop and hearings and then come back to the Board for further implementation. Jim said he wants to address this issue now to avoid budgetary problems later.

Jim distributed a Revenue-Expense Comparison to the Board members showing the additional expenses that were incurred since the last legislature 2005 and suggested revenue sources Jim is proposing.

He said he was requesting a 10 cent increase on the brand inspection fee. When reviewing some of our other services, Jim found charges for various licenses and movement permits are totally inadequate. Jim said he included those services in this proposal.

Jim said most of Nevada's neighboring states are charging an inspection fee of \$1.00 per head and some \$1.15, plus a \$10 - \$12.00 service charge to come out. Jim is proposing that the first animal will cost \$10.00 and every one after that will be \$1.00 a head. Jim advised the Board that it has been four years since the Department has increased fees.

Don Henderson pointed out the significant yearly cost savings that Jim has implemented since he came to work for the Department in 2001. Cost saving measures included closing the Reno brands office, lobbying legislature to transfer 75% of the cost of the enforcement officers to the General Fund, canceling vehicles leases and replacing them with old Highway Patrol vehicles that were given to us at no cost, relocating a clerical position to Elko, transferring one-half of Jim's salary to the General Fund because he managed the generally funded Enforcement Program and lobbied for the removal of one-half of cost recovery to Agriculture administration. The total savings is \$273,500.

B. Request to go to workshop and hearing to amend NAC 573 to establish a current fee for licensing public auctions. (Action)

C. Request to go to workshop and hearing to amend NAC 576 to adjust the fees for licensing Livestock and Farm Products Dealers, Brokers, Commission Merchants, Buyers and Agents. (Action)

D. Request to go to workshop and hearing to amend NAC 565 to bring the language up to date with current operations and nomenclature. To change fee structure and amounts for brand inspections. To change fees charged for Extraordinary Permits. (Action)

Deloyd Satterthwaite made a motion to go to workshop and hearing to amend NAC 573, NAC 576, and NAC 565.

Dave Cassinelli seconded the motion. Question called. Motion passed.

**Wednesday, December 7, 2007
Community Counseling Center
1120 Almond Tree Lane, Suite 207
Las Vegas, Nevada**

Board Members Present:

Benny Romero
Deloyd Satterthwaite
Susan Ray
George Botta
David Cassinelli
Alan Perazzo
Susan Ray
Dan Hetrick
Lawrence Waugh
Harvey Barnes

Board Members Absent:

Jim Johnson

Chairman Romero called the meeting to order at 9:00 am

8. DIVISION OF PLANT INDUSTRY (O'Brien)

A. Strychnine Field Test Report

John O'Brien reported that the Department has a strychnine label that is registered with the Environmental Protection Agency (EPA). The EPA required the Department to perform field tests on underground baiting of squirrels with strychnine. Strychnine cannot be used for above-ground baiting. The study was submitted and reviewed by the EPA. Based on the results, EPA will now allow the label to include directions for controlling ground squirrels in below ground bait application.

B. Plant Pathology 2005 laboratory summary. (Wang)

John O'Brien said this report is a summary of lab activities for 2005 which includes USDA surveys, samples that have come in the door from either Extension or the public.

C. Request permission to conduct a workshop and hearings to add the following invasive plants to the state noxious weed list: (Mudd) (ACTION)

Arundo donas (Category A)

Cirsium vulgare (Bull Thistle) Category C or B)

Brassica tournefortii (Sahara Mustard) (Category A)

Leucanthemum vulgare (Ox Eye Dairy) (Category A)

D. Update on Cooperative Weed Management Area. (Mudd)

Tina Mudd said one thing that will be coming up in the future, concerns plants listed on the noxious weed list. We're considering the purpose of the list. The basic purpose is enforcement and abatement.

According to Tina, Peggy, Xenia, Marc, and Marv are doing a great job of keeping noxious weeds out of the nurseries. We received an appropriation of \$100,000 in the 2005 legislative session for abatement and we think what will also come out of the process of evaluating where to send the money is a highlighting of gaps in the statutes. John O'Brien, Dawn Rafferty and Tina will meet next week to create a policy and procedure for abatements. Tina said, then we'll discover what we may need to fix in the laws and regulations if we really want to be successful doing noxious weed enforcement. We are continuing our work with Cooperative Weed Management Areas (CWMA). Being newly returned to my old position, I am going out checking the status of all the Cooperative Weed Areas. When we started this program, the first year we had 10 established, the second year 19, the third year we had 27 groups, and this year we have 28 with 2 in the establishment process, maybe more. The only area that lacks CWMA coverage is in Lincoln County.

The successful CWMA groups are land-owner driven. The agencies help them with their grant funding. Our most successful groups have 7 or 8 private landowners that come to the meetings. Tina said my goal this year is to see what I can do to ease the apprehension many landowners have with these groups to increase their participation. There is a misunderstanding that a CWMA is a vehicle for a government agency to get on their property and that is not the case. Tina said it is her job to make that point clear.

Tina said we have 2006 funding from the Forest Service. We received \$163,000 from the Cooperative Weed Management Weed Areas that will be split between the 30 groups. They are required to put in proposals.

F. Discuss need for and current status of weed map and mapping position. (Mudd)

Tina said we are working on a state weed map. It has not been updated since 2002. The person who was doing that work was reassigned. We looking for a place to house the position and fund it. The Bureau of Land Management, the Forest Service, the Bureau of Reclamation, the Nevada National Heritage Program, the Nevada Department of

Transportation, as well as the Department of Agriculture have all put their funds forward to reestablish a State weed map, and a database for it. Tina said we are looking to write a grant for the position.

The management of noxious weeds in newly developed, fast-growing areas of Clark County has become a topic of interest. The question of what standards (if any) should be in place is being asked.

E. Update on Weed Free Forage at the End of Season (Mudd)

Tina Mudd continued by saying that the Nevada has almost 30 participating growers in the State. This year we certified just over 3000 acres of weed free forage. The program is moving forward, but not as much as she would like. She said we have a lot of specialty horse markets that buy hay specifically because it is noxious weed free. Until there is more demand, Tina said she didn't expect the numbers to increase.

Harvey Barnes moved to conduct workshop and hearings to add four plants (Arundo donas, Cirsium vulgare, Brassica tournefortii, Leucanthemum vulgare) to the State noxious weed list.

Deloyd Satterthwaite seconded the motion. Question called. Motion passed.

G. Las Vegas Office Report

John O'Brien presented the Las Vegas Office report written by Tom Smigel. Tom requested that a pesticide fact sheet be distributed to the Board members. One side of the fact sheet is written in English, the opposite is written in Spanish.

The Las Vegas office is in the middle of pesticide re-licensing.

H. EPA 4th Quarter Report

Chuck Moses gave a comprehensive presentation earlier in the day regarding the EPA and his section.

John O'Brien presented Items I, J, K, and L for Gary Cross.

I. The Alfalfa Seed Advisory Board request approval to spend up to \$12,000 on on-farm fertility research trials in conjunction with Simplot. Money will pay for mapping, use of Simplot's fertility equipment, etc. (Cross) (Action)

John said the Alfalfa Seed Advisory Board met recently and want approval to spend up to \$12,000 for precision fertility trials in conjunction with Simplot. He said they going to use some of Simplot's equipment relating to seed alfalfa and the money would be used for mapping and rental of equipment.

J. The Alfalfa Seed Advisory Board requests the reappointment of Board members Walter Brinkerhoff (Pershing County), Dan Hetrick (Humboldt County), Alan List (Humboldt and Pershing Counties) and Rod Diede and (Dealer Representative) for the period 12/6/2005 thru 11/30/2007. (Cross) (Action)

K. The Garlic and Onion Board requests the appointment of Lera Masini to the Garlic and Onion Board replacing former member Mike Stewart. (Cross) (Action)

L. The Garlic and Onion Board requests to spend up to \$1,000, if necessary, toward attaining a Section 18 registration for a new insecticide (Success – Dow Chemical) for thrip control. (Cross) (Action)

Deloyd Satterthwaite made a motion to approve the requests made in Item I, J, K, and L.

Dave Cassinelli seconded the motion. Question called. Motion passed.

4. DIVISION OF ANIMAL INDUSTRY (Thain)

Dr. Thain announced his departure from the Department of Agriculture effective February 1, 2006. He is going to the University of Nevada, College of Agriculture, Biotechnology and Natural Resources. He has accepted the State Extension Veterinarian position.

Dr. Paul Ugstad who is the federal Area Veterinarian in Charge (AVIC) is leaving the United States Department of Agriculture (USDA) area office in Sacramento. Dr. Ugstad has accepted a new position in Texas as the AVIC. He will be leaving January 23, 2006. Dr. Thain thanked Dr. Ugstad for all he has done for the Nevada Department of Agriculture. Dr. Ugstad and Dr. Phil LaRussa, Assistant AVIC, have brought a lot of resources to the Department with equipment, IT support and staff. Dr. Thain presented a plaque to Dr. Ugstad with appreciation and gratitude for his many years of support to the Department.

Dr. Thain told the Board that Director Henderson, Rick Gimlin, Dr. Rink and he have put together a draft recruitment announcement for State Veterinarian. He passed the draft recruitment announcement to Board members for their perusal. Dr. Thain said he was trying to get the announcement out later that week and start the recruitment process. Dr. Thain said none of the current staff is interested in the position.

Director Henderson commented on the growth of the Animal Industry Division since David began with the Department seven and one-half years ago. The Department has grown from 4 full-time employees with a budget of \$680,000 to the present staffing of ten full-time employees, four part-time employees and an annual budget of \$1,800,000. Don said this is a good measurement how David built the Department up, increased its capabilities and effectiveness.

Dr. Thain said when he came to the Department, there were no outside funds. Today, outside funds account for 40% - 45% of our budget. Without those funds, we would not be able to do what we do.

A. Animal Disease Update

1. Bovine Tuberculosis

Minnesota is going to lose its TB free status. We have already changed our TB testing requirement for cattle from Minnesota because of our concerns about the potential introduction of TB into the State. The TB issues will be a long time getting resolved because it is a very difficult disease to look for. We have done a fair amount of testing on our dairy stock, coming in and out of the state, because of testing changes. Dairy heifers are our biggest concern.

2. West Nile Virus

Dr. Thain said we are at the end of the season. We had issues with West Nile Virus (WNV) prevalence around Nye County, and the Pahrump area. Horseowners in these areas were caught unprepared even though a lot of outreach and education was conducted down there. Dr. Thain said he thought that horse owners may have thought that because there was not a lot of disease in that area last year when the rest of the State had a problem, they didn't need to vaccinate. About 32 horses in that area were positive for West Nile Virus. We didn't see a lot of activity in Elko this year probably because of the cold spring this year. The Department will continue to monitor the situation.

3. National BSE Surveillance

This survey program should be ending soon at that enhanced level. The testing of normal, healthy testable cattle going to slaughter has been completed. That was the last phase of the national enhanced surveillance program. Dr. Thain said the program is being micro-managed at the Secretary's level and they are being very quiet about what they are going to do. They will do a statistical analysis to get a rough idea of how many potential positive BSE animals we have in the United States and then decide what to do about continued surveillance.

4. Johnes Disease

Johnes is a disease of cattle, particularly dairy cattle. It leads to a wasting disease where the most obvious clinical symptoms is diarrhea. The Department continues to receive some funds for that program. Dr. Forbes is in charge of that project and it has been working very well. We have a number of dairies that are participating.

5. Trichomonosis – Draft Regulations

Proposed new addition to NAC 571 regarding Trichomonosis testing requirements.

There has been a working group talking about trich regulations. Out of that working group came some proposals. Some draft regulations are in your packet for review. They were brought to the Nevada Cattlemen's meeting. Dr. Thain said to illustrate how things have changed, two years ago at the Animal Health portion of the committee discussion on trich, there were one or two people who were interested in doing some kind of trich control; the majority did not want anything to do with it. At this meeting, there was a vote on these regulations, mandatory annual trich testing, or nothing. Fifty percent wanted mandatory annual testing and the other fifty wanted to follow the positive bulls and follow up on adjacent premises. Dr. Thain said that is a tremendous shift in the thoughts of where people want to go.

The Farm Bureau has come out in support of mandatory annual testing. The Cattlemen's Update will have a questionnaire going out to the producer's to get their thoughts on what they want to do. And from there, the Farm Bureau, the Board of Agriculture, Nevada Cattlemen's, as a working group, will try and come up with a plan on which direction we want to go.

6. Scrapie – Draft Regulations

Proposed changes to NAC 571 regarding Scrapie regulations.

When the National Scrapie Eradication Program started some years ago, one of the underlying guidelines was a consistent state or a inconsistent state status. The consistency status required some minimum regulations. Nevada put those in place on an emergency basis a year and half ago to remain a compliant state.

The regulations work fairly well and we've had but a few complaints. Most of the complaints have been at livestock shows because it requires all show breeding animals to be identified. The regulations are in the Board packet. The regulations were presented at a Woolgrower's meeting and they were asked for comments. To date we have received no response.

Dr. Forbes will be going for hearings. We will do outreach, work more with the small farm producers in the Fallon and Douglas County areas, and 4-H people to make sure everyone is on board.

Dr. Thain wanted to clarify to the Board that under NAC 571, from which his authority comes from, it is the State quarantine officer that oversees regulations. That is why both of the regulations, Trichomonosis draft regulations and Scrapie draft regulations, are advisory only to the Board in asking for input. It is not a requirement for the Board to give authority to go to workshop and hearing.

7. Avian Influenza

Dr. Thain said information on this disease is in the Board packet to read. Is the threat real? Only time will tell. We have seen an evolution of this virus from the wild duck population in China and then move into domestic poultry where some mutations became very lethal for the poultry. That was probably prior to 1995. Dr. Thain continued saying that in 1997, we had some disease in Hong Kong and it spread and people were involved.

We call this lethal form of Avian Influenza, “high path”. When high path moves into poultry out of the waterfowl, it stays in poultry and doesn’t go back. Dr. Thain said it “bounced” around poultry in the Asian area and now its bleeding back into the wild population and has lethality to it in certain species of waterfowl. We are seeing it spread throughout Asia and into eastern Europe at this time. It may come in to the Pacific flyway. There is a point of commingling in Alaska and the Bering Strait and that corner of Russia and Mongolia. We will continue to monitor. It will require significant mutations and changes for it to easily replicate in humans and be spread from humans to humans.

B. Nevada Premise Registration for Animal ID. (Pecetti)

Holly said her presentation was an update on the National Animal Identification System (NAIS). Holly called the Board’s attention to the map in the Board packet which indicates registered premises as of September 30, 2005. Holly is preparing to add an additional 980 sites which will bring the total to 1285. These sites represent Scrapie premises and Bovine production locations. Premise registration is the first step to the NAIS program.

A unique 7-digit number is assigned by USDA to each location where animals are born, managed, marketed, or exhibited. This unique number enables a tracking process for animals to begin. The NAIS program is a national program developed as an infrastructure to respond to animal disease, food safety, and bioterrorism or agro terrorism attack. The goal is to enable animal trace back with 48 hours.

C. Animal Disease and Food Safety Laboratory (Thain)

The lab continues to move forward and in some areas is state-of-the-art and leads the country in identification of certain things such as: the ability to distinguish between bovine tuberculosis bio types or strains. Basically, the ability to do a DNA fingerprint.

1. BOARD BUSINESS

E. Board to act upon recommendation for updating the Board’s Short-term Objectives. (Action)

Harvey Barnes made a motion to approve the short-term objectives.

Dan Hetrick seconded the motion. Question called. Motion carried.

F. Annual evaluation of the Director. (Action)

Chairman Romero distributed Director Henderson's evaluation to Board members. The evaluation was compilation from evaluations that each Board member submitted to the Chairman in November, 2005.

Chairman read the evaluation to Board members. The evaluation said in part: "the director excelled and received high marks for leadership, personal qualities, staff and personnel relationships, administration of the Department, and his relationship with the Board". Chairman Romero remarked that the Director remains in constant contact and makes himself available at all times to the Board members and his administrative staff. Chairman Romero said Don represents the Department well and seeks advice when necessary. The evaluation cited the Director's strong communication skills.

Harvey Barnes made a motion that the Board give Don Henderson a very positive rating as our administrator.

Dave Cassinelli seconded the motion. Question called. Motion carried.

Deloyd Satterthwaite suggested that Sandie Foley direct a letter of appreciation to Susan Ray for the work she did in getting our reservations and Jim Johnson, Star Nursery, for the nice evening we had last night.

Harvey Barnes made a motion to present Dr. Thain with a framed letter and plaque for his service to the Department.

Susan Ray seconded the motion. Question called. Motion carried.

Harvey Barnes made a motion that the next meeting be held on Friday, February 24, 2006.

Deloyd Satterthwaite made the motion to adjourn the meeting.

Dave Cassinelli seconded the motion. Question called. Motion carried.

Meeting adjourned at 12:20 pm.

These proceedings were recorded. Anyone wishing to listen to them in their entirety should contact the Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada.

Don Henderson, Director

Staff in Attendance

Don Henderson
Sandie Foley
Rick Gimlin
Holly Pecetti
Dr. David Thain
Dr. Keith Forbes
John O'Brien
Tom Smigel

Staff in Attendance con'd

Richard Modee
Jim Connelley
Tina Mudd
Mark Jensen

Guests

Dr. Ugstad, USDA-APHIS
Dr. Phil Larussa, USDA-APHIS
Bob Coombs, R. C. Farms